REMARKS

Applicant thanks the Examiner for the courtesy of a telephonic interview on May 17, 2006. Applicant's representatives Frank Agovino and Barbara Wilkey discussed the invention and the cited reference in general with Examiner Joo. In particular, Applicant discussed claim 15 and 29. No demonstration was given, no agreement was reached, and no exhibit was shown.

Applicant has thoroughly considered the Office action mailed on February 24, 2006. To date, no Office action has indicated that the formal drawings have been accepted. Applicant respectfully requests that the Examiner confirm that the drawings are acceptable. Claims 3, 5, 6, 9-13, 15-19, 21, 29, 30 and 32-37 are presented in the application for further examination. Claims 3, 5, 6, 9-13, 15-18, 29, 32 and 33 have been amended by this Amendment C. Claims 1, 2, 7, 8, 14, 22, 23, 25-28 and 38-46 have been canceled by this Amendment C. Reconsideration of the application claims as amended and in view of the following remarks is respectfully requested.

Claim Rejections under 35 U.S.C. § 112

Claims 5, 32, and 33 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 5, 32 and 33 have been amended to depend from claim 29; thus, the rejection should be withdrawn.

Claim Rejections under 35 U.S.C. § 103

Claims 1-3, 5, 7, 9, 14-15, 19, 21, 29-30, 32-35, 38-41, 44 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Desai et al., U.S. Pat. 6,820,204 (Desai), in view of Cheung, U.S. Pub. App. 2005/10240622 (Cheung). Applicants respectfully disagree, and note that every term in a claim must be considered when assessing obviousness[1].

Desai teaches that access to user profile information is granted on an element by element, user by user basis. (FIG. 7; FIG. 9; FIG. 10; column 8, lines 62-65; column 9, lines 4-6). Furthermore, Desai teaches that access is granted based public/private key

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[1] In re Wilson, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970) (Examiners may not disregard terms when assessing obviousness.).

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pairs. (Column 15, lines 26-30). Specifically, Desai discloses a record having the data element's universal ID and the user's ID is located in the key chain database. (FIG. 10, column 14, lines 65-67). If a matching record is found in the key chain database, then the encrypted secret key from the matching record is decrypted using the user's private key then the decrypted secret key is used to decrypt the requested data element. (FIG. 10, column 15, lines 8-12).

Cheung teaches that client who is denied access may contact a **system administrator** and ask that the access level be changed to allow for greater access. (Page 3, paragraph 38).

In contrast, the present invention includes "generating an intended use request by the client of the certain user-specific information in the data store" and "comparing the determined intended use with the determined allowed level of access" as claimed in claim 15. For example, an intended use may be related to customizing the news presented to a user or completing a client-desired task such as presenting targeted advertisements on behalf of the client. (specification, page 12, lines 21-24)

Nothing in Desai teaches, suggests or makes obvious comparing the generated intended use request with the determined allowed level of access. The Examiner's reliance on column 9, lines 22-29 of Desai is misplaced. Desai discloses that the business contact telemarketer and merchant are just examples of third party users who request access to the user's information. (FIG 1, 16; FIG 2, 16a-c; column 9, lines 10-18). Furthermore, as explained in detail above, Desai teaches that the third parties access is granted by locating a record in a key chain database and decrypting the user data with a key. (FIG. 10). Thus, Desai fails to teach comparing the generated intended use request with the determined allowed level of access as recited in claim 15.

Additionally, the present invention includes "invoking a consent engine in response to the client's request if the generated intended use request is outside the allowed level of access, said consent engine informing the user of the client's request to access the certain user-specific information in the data store and inviting the user to permit or to deny the client's request to access the certain user-specific information in the data store" as claimed in claim 15. (Specification, page 19, lines 25-30).

Nothing in Cheung teaches, suggests or makes obvious invoking a consent engine to inform the **user** of the client's request to access user-specific information and inviting the **user** to permit or to deny the client's request to access the information as recited in the claims. In fact, Cheung teaches the away from such an approach. Cheung teaches contacting a **system administrator** to request access. (Page 3, paragraph 38). Any reliance on Cheung, therefore, is misplaced and a prima facie case of obviousness is lacking.[2]

For at least these reasons, Applicant submits that none of the cited references, alone or in combination, teach or suggest each and every element of claim 15. As such, the rejection of claim 15 under 35 U.S.C. § 103(a) should be removed. Additionally, claims 16-19 and 21 depending from claim 15 are allowable for at least the same reasons as claim 15.

Similar to claim 15, claim 29 recites "comparing the set of default access preferences with the intended use by the client" and "generating an option list in response to the client's request for user-specific information …displaying … an option menu reflecting the generated option list, said option menu prompting the user to accept or reject at least one option displayed on the option menu using the selection interface of the network communication device". As explained above with respect to claim 15, Desai and Cheung, alone or in combination, fail to teach or suggest "comparing the set of default access preferences with the generated intended use request by the client" and "generating an option list in response to the client's request for user-specific information …displaying … an option menu reflecting the generated option list, said option menu prompting the user to accept or reject at least one option displayed on the option menu using the selection interface of the network communication device" as recited by claim 29. As such, the rejection of claim 29 under 35 U.S.C. § 103(a) should be removed. Additionally, claims 3, 5, 6, 9-13, 30 and 32-37 depending from claim 29 are allowable for at least the same reasons as claim 29.

Claim 6 stands rejected under 35 U.S.C. 103(a) as being unpatentable over

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[2] See In re Oetiker, 977 F.2d at 1447; 24 U.S.P.Q.2d at 1446 ("There must be some reason, suggestion, or motivation found in the prior art whereby a person of ordinary skill in the field of the invention would make the combination. That knowledge can not come from the applicant's invention itself.").

Desai and Cheung, in view of Allgeier, U.S. Pat. 5,995,972 (Allgeier). Allgeier teaches an application accessing data from a secondary location if the data at a primary location is not found or current. However, Allgeier fails to teach or disclose comparing the generated intended use request with the determined allowed level of access and invoking a consent engine in response to the client's request if the generated intended use is outside the allowed level of access, informing the user of the client's request and inviting the user to permit or to deny the client's request. Thus, the cited art, whether considered separately or together, fails to teach or suggest all of the claimed elements. Moreover, claim 6 depends from claim 29 and is believed allowable for at least the same reasons as claim 29. Thus, the rejection should be withdrawn.

Claims 8, 10, 16-18, 36, 37, 45, and 46 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Desai and Cheung, in view of Orita, U.S. Pat. 5,163,147 (Orita). Orita merely discloses allowing access to file information by a user program through an environmental profile. In contrast to Applicant's claim invention, Orita fails to teach or disclose comparing the generated intended use request with the determined allowed level of access and invoking a consent engine in response to the client's request if the generated intended use request is outside the allowed level of access, informing the user of the client's request and inviting the user to permit or to deny the client's request. Thus, the cited art, whether considered separately or together, fails to teach or suggest all of the claimed elements. Moreover, claims 16-18 depend from claim 15 and claims 10 and 37 depend from claim 29. Therefore, claims 10, 16-18 and 37 are believed allowable for at least the same reasons as claims 15 and 29 and the rejection should be withdrawn.

Claims 11 and 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Desai, Cheung, and Orita, in view of Erickson et al. U.S. Pub. App. 2003/0081791 (Erickson). Erickson teaches exchanges messages including encrypted data in the form of XML documents according to Simple Object Access Protocol. However, Erickson fails to teach or disclose comparing the generated intended use request with the generated allowed level of access and invoking a consent engine in response to the client's request if the generated intended use request is outside the allowed level of access, informing the user of the client's request and inviting the user to permit or to

deny the client's request. Thus, the cited art, whether considered separately or together, fails to teach or suggest all of the claimed elements. Moreover, claims 11 and 12 depend from claim depend from claim 29 are believed allowable for at least the same reasons as claim 29 and the rejection should be withdrawn.

Claim 13 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Desai and Cheung, in view of Kramer, U.S. Pat. 5,414,852 (Kramer). Kramer discloses allowing application programs access to data objects using matching keys. In contrast to the present invention, Kramer fails to teach or disclose comparing the generated intended use request with the determined allowed level of access and invoking a consent engine in response to the client's request if the generated intended use request is outside the allowed level of access, informing the user of the client's request and inviting the user to permit or to deny the client's request. Thus, the cited art, whether considered separately or together, fails to teach or suggest all of the claimed elements. Moreover, claim 13 depends from claim 29 and is believed allowable for at least the same reasons as claim 29. Thus, the rejection should be withdrawn.

Claims 22, 23, 25-28, 42 and 43 have been canceled so that the rejection should be withdrawn.

CONCLUSION

It is felt that a full and complete response has been made to the Office action and, as such, places the application in condition for allowance. Such allowance is hereby respectfully requested.

Applicant wishes to expedite prosecution of this application. If the Examiner deems the claims as amended to not be in condition for allowance, the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the claims in condition for allowance.

Applicant does not believe that a fee is due in connection with this response. If, however, the Commissioner determines that a fee is due, he is authorized to charge Deposit Account No. 19-1345.

Respectfully submitted,

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